

ATTORNEY'S DOCKET NO: C01039.70077.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg
Serial No: Not Yet Assigned
Filed: July 14, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: Not Yet Assigned
Art Unit: Not yet Assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 02213-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a First Office Action on the merits, and therefore, no fee is enclosed herewith.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants hereby make the following additional information of record in the above-identified application:

The following are related pending U.S. non-provisional applications which do not appear on the 1449 form.

| <u>Serial No.</u> | <u>Filing Date</u> |
|-------------------|--------------------|
| 08/386,063 | 02/07/95 |
| 08/738,652 | 10/30/96 |
| 08/960,774 | 10/30/97 |
| 09/030,701 | 02/25/98 |
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| 09/191,170 | 11/13/98 |
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| 09/306,281 | 05/06/99 |
| 09/316,199 | 05/21/99 |
| 09/325,193 | 06/03/99 |
| 09/337,619 | 06/21/99 |
| 09/337,893 | 06/21/99 |
| 09/361,575 | 07/27/99 |

The following are related PCT Publications, published after the priority date (copies were provided in priority application):

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| WO 98/37919 | 09/03/98 |
| WO 98/18810 | 05/07/98 |
| WO 98/40100 | 09/17/98 |
| WO 98/52581 | 11/26/98 |

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:


Helen C. Lockhart, Reg No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 720-3500

Docket No. C01039.70077.US

Dated: July 14, 2003

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| FORM PTO-1449 (Modified) | | ATTY. DOCKET NO. C01039.70077.US | SERIAL NO Not Yet Assigned |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | | APPLICANT Krieg | |
| | | FILING DATE July 14, 2003 | GROUP Not Yet Assigned |

U.S. PATENT DOCUMENTS

| Exam Init | Ref Des | Document No. | Date | Name | Class | Sub Class | FILING DATE If Appropriate |
|-----------|---------|--------------|----------|-------------------|-------|-----------|----------------------------|
| * | | 3,906,092 | 09/16/75 | Hilleman et al. | | | |
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| * | 0468520 A3 | 01/29/92 | EPO | A61K | 31/70 | |
| * | WO 92/03456 | 03/05/92 | PCT | C07H | 15/12 | |
| * | WO 92/18522 | 10/29/92 | PCT | C07H | 21/00 | |
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| * | 0302758 81 | 03/16/94 | EPO | C12N | 15/37 | |
| * | WO 94/19945 | 09/15/94 | PCT | A01N | 43/04 | |
| * | WO 95/05853 | 03/02/95 | Regents of the University of CA | | | |
| * | WO 95/26204 | 10/95 | PCT | A61K | 48/00 | |
| * | WO 96/02555 | 02/01/96 | PCT | | | |
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| * | WO 98/18810 | 05/07/98 | PCT | C07H | 21/00 | |
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* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 08/738,652, filed October 30, 1996, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/337,636, filed June 21, 1999, and relied upon for an earlier filing date under 35 USC 120.